

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor(s): Cooper, Matthew L.
Appln. No.: 10/678,935
Filing Date: 10/03/2003
Conf. No.: 1199
Title: METHODS AND SYSTEMS FOR
DISCRIMINATIVE KEYFRAME
SELECTION

PATENT APPLICATION

Art Unit: 2624
Examiner: Akhavannik, Hadi
Atty. Docket No.: FXPL-01085US0

Customer No. 23910

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. §1.705(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby requests reconsideration/reinstatement of the Patent Term Adjustment (PTA) indicated in the Determination of Patent Term Adjustment under 35 U.S.C. §154 (b) dated November 17, 2009 and mailed with the Notice of Allowance for the above-referenced application.

The applicant's sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A).

This request is being submitted at the same time as payment of the Issue Fee.

In accordance with §1.705(b), applicant submits the following in connection with its request for reconsideration/reinstatement of Patent Term Adjustment.

Statement of Facts

In accordance with § 1.705(b)(2), the following facts are set forth below:

1. The correct patent term adjustment should be 1115 days and the basis for the adjustment is § 1.702(a).
2. The relevant dates under § 1.703(a)-(c) for which an adjustment is sought are as follows:

In addition to the above statement of facts:

10/03/2003 Applicants filed the subject application.

07/13/2007 The USPTO mailed the first non-final office action, incurring a delay of 952 PTA days.

10/11/2007 Applicant's filed response after non-final, offsetting the PTA delay by 23 days, bringing the total PTA days to 929.

04/23/2009 Applicant's filed a response to a final rejection and a request for extension of time, offsetting the PTA delay by 52 days, bringing the total PTA days to 877.

03/06/2008 Request for Continued Examination (RCE) filed, which was 520 days from the 36 month date of 10/4/2006, bringing the PTA days to 1397.

X The total PTA days is further reduced for the overlap of 282 days for the period between the 36 month date for issuing the patent (October 4, 2006) and the date the USPTO issued the first office action (July 13, 2007), bringing the total PTA days to 1115.

X The above referenced application/patent is not subject to a Terminal Disclaimer.

X Under § 1.704, there were no circumstances during the prosecution of the above referenced application/patent constituting a failure to engage in reasonable efforts to conclude processing or examination of such application.

In view of the above, Applicant respectfully submits that the correct patent term adjustment is 1115 days.

Since the request is being made based on the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A), it is not believed that a fee is due for this Application for PTA. Nevertheless, if a fee is still due pursuant to § 1.705(b)(1), then the Commissioner is hereby authorized to charge the required fees of \$200.00 and any underpayment of fees or credit any overpayment to Deposit Account No. 06-1325.

Respectfully submitted,

Date: February 2, 2010

By: /Rex Hwang/
Rex Hwang
Reg. No. 56,206

FLIESLER MEYER LLP
650 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 362-3800
Customer No. 23910